

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.T., by and through her Next Friend,)	
REGINALD TIMOTHY TRAVIS, and)	
REGINALD TIMOTHY TRAVIS, Individually,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:16CV00448 SNLJ
)	
NEWARK CORPORATION d/b/a ELEMENT14,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the court on a motion to intervene filed by Denise Travis, grandmother of A.T., a minor. This action was originally filed in the Circuit Court of St. Louis County. Defendant removed this action to this Court pursuant to 28 U.S.C. § 1332, 1441, and 1446 on the basis of diversity jurisdiction. For the following reasons, the Court will grant the motion.

This is a wrongful death action arising from the death of Marreo Travis, the son of Reginald Timothy Travis and Denise Travis, and the father of the minor child A.T. Reginald Timothy Travis filed this action individually and as the next friend A.T. on February 10, 2016. The motion for appointment of next friend was filed with the complaint originating the case. The motion was granted by the trial court in St. Louis County. In the motion, Reginald Travis and his attorney alleged that AT “does not have a legally appointed guardian.”

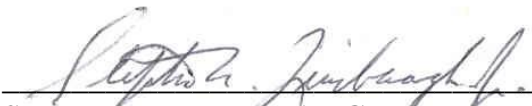
Denise Travis has filed a motion to intervene alleging she is the legally appointed guardian of A.T. and is the only person authorized to file this action on A.T.'s behalf. In support of this allegation, she has filed an Order and Judgment of the Circuit Court of the City of St. Louis dated January 22, 2016 awarding her sole legal custody of A.T. As Denise Travis has sole legal custody of A.T., this Court will grant the motion to intervene.

This Court notes that the attorney of record for Reginald Timothy Travis in this action who filed the motion for appointment of next friend alleging AT "does not have a legally appointed guardian" was an attorney of record in the custody action in which Denise Travis was awarded sole legal custody. In the custody case, the attorney represented A.T.'s mother. The Court finds plaintiff's attorney's conduct troublesome. However, given that the date of the order and judgment granting Denise Travis sole legal custody of A.T. was less than three weeks before the filing of the motion for appointment of next friend, the Court will allow plaintiff's attorney an opportunity to file an explanation of this inconsistency within seven days of this Order.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Intervene filed by Denise Travis (ECF #12) is **GRANTED**.

Dated this 12th day of May, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE